

SUMMARY OF  
THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT  
H.R. 3032  
October 12, 1999

The National Amusement Park Ride Safety Act of 1999 was introduced by Rep. Edward Markey (D-MA) on October 6, 1999, with 10 original cosponsors: Reps. George Miller (D-CA), Joseph Hoeffel (D-PA), Robert Wexler (D-FL), Dennis Kucinich (D-OH), William Lipinski (D-IL), Carolyn Maloney (D-NY), Anthony Weiner (D-NY), Rosa DeLauro (D-NY), Richard Neal (D-MA) and Henry Waxman (D-CA.)

### **Purpose**

The purpose of this legislation is to close a consumer protection loophole created in 1981.

Section 2 of the bill eliminates the restriction on CPSC safety jurisdiction adopted in 1981 - the so-called "roller coaster loophole". Eliminating this restriction would allow the CPSC the same scope of authority to protect against unreasonable risks of harm on "fixed-site" rides that it currently retains for carnival rides that are moved from site to site ("mobile rides.") This would include the authority to investigate accidents, to develop and enforce action plans to correct defects, to require reports to the CPSC whenever a substantial hazard is identified, and to act as a national clearinghouse for accident and defect data.

Section 3 of the bill would authorize appropriations of \$500 thousand annually to enable the CPSC to carry out the purposes of the Act.

### **Background**

The Consumer Product Safety Act provided the Consumer Product Safety Commission (CPSC) with the same consumer protections authority it has for other consumer products. However, in 1981, following a series of legal challenges by several owners of large theme parks, Congress stepped in and limited CPSC authority only to those rides "not permanently fixed to a site." Thus, the CPSC currently is prohibited from investigating accidents or developing or enforcing safety plans, and manufacturers, owners and operators of rides are not required to disclose to the CPSC defects which would create a substantial hazard of consumer injury. Since it cannot gather the information, the CPSC is also effectively prevented from sharing the information with others so that accidents in one state can be prevented in another.

### **Rising Risk of Serious Injury**

The CPSC estimates the number of serious injuries on fixed and mobile amusement park rides using the National Electronic Injury Surveillance System (NEISS). This data includes only injuries severe enough to have led the injured party to go to an emergency room. According to its July 1999 summary, emergency-room injuries on fixed rides increased from 2400 in 1994 to 4500 in 1998. During the same period, emergency-room injuries on mobile rides have held relatively steady, with 2000 in 1994 and 2100 in 1998.

### **State-by-State Regulation**

CPSC regulation supplements state regulation where states have adopted inspections programs, and

provides some measure of protection in states that have none. Currently the following states have no inspection program: Alabama, Arizona, Kansas, Massachusetts, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Dakota, Texas, Utah and Vermont. Moreover, Florida exempts theme parks with more than 1000 employees, Virginia relies on private inspections, and New York exempts New York City (which includes Coney Island.)

States with inspection programs are very uneven depending on which agency has the responsibility and whether its expertise is design, operator training, manufacturing, etc. No state, and no industry organization, provides the national clearinghouse function that the CPSC currently provides for mobile rides and could provide for fixed-site rides.

### **Recent Fatalities**

Although the overall risk of death on an amusement park ride is very small, it is not zero. In the course of the last week of August 1999, 4 deaths occurred on roller coasters in just one week, which U.S. News & World Report termed "one of the most calamitous weeks in the history of America's amusement parks":

- August 22 -- a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;
- August 23 -- a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;
- August 28 -- a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.

Each of these tragedies is an opportunity for the CPSC to search for causes and share its insights with the operators of other similar rides. Unless the law is changed, however, it cannot perform this role.

For more information or if you would like to help make it possible to pass H.R. 3032, please call David Moulton at 202 225 2836.